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# Montana University System Newsletter

from the office of the
Commissioner of Higher Education

Volume II, No. 3 | Chuck Gillespie, Editor | Helena, Montana | June, 1974

This issue of the Newsletter is essentially a review of significant legislation from the 2nd session of the 43rd legislature, and recent policy actions of the Board of Regents.

During the past legislative session, a non-appropriation session except for emergency and unforeseen departmental expenses, the office of the Commissioner of Higher Education provided testimony on approximately 70 bills at committee hearings. Important measures which received approval of the legislature were the establishment and the funding of the Educational Broadcasting Commission, SB's 689 and 533, and a University System collective appropriations measure, HB 746.

## UNIVERSITY SYSTEM APPROPRIATIONS

House Bill 746 funded many programs which complied with the "emergency" or "unforeseen departmental expenses" guidelines established for the legislature. Those programs included in the bill were: UM and MSU civil rights comliance, MSU foreign trade study, all of the System libraries, WICHE, WAMI, NDEA matching loans, Indian education program, and the rural dentistry program. These programs were allotted $350,345 for fiscal year 1974 and $526,728 for fiscal 1975.

## EDUCATIONAL BROADCASTING COMMISSION

Senate Bills 689 and 533 established and funded the Educational Broadcasting Commission. The $300,000 appropriation measure created eligibility for HEW match-funds. Approval culminated 8 years of frustrated attempts to achieve educational television in the state. However, the benefits resulting from delayed entry into the field may very well prove to be a decided asset in terms of the avoidance of pitfalls encountered by many of the pioneering states.

The Commission consists of 3 ex-officio members: Director of Administration, Doyle Saxby; Superintendent of Public Instruction, Dolores Colburg; and Commissioner of Higher Education, Lawrence K. Pettit. In addition, 5 members were appointed by the Governor representing broad statewide interests. These members are: Herb Pace, chairman, Bozeman; Elizabeth Hurley, Vice-chairperson, Livingston; Ellen Bartow, Custer; Joseph Sample, Billings; and Judge Nat Allen, Roundup.

Already active, the Commission has determined procedures for the establishment of guidelines for the permanent locations of facility and transmission sites. A selection committee for the screening of applicants for the position of chief executive officer has been established. Currently the Commission is meeting monthly due to the immediacy of the work-load although the legislative mandate calls for only 4 meetings per year. Through early involvement and meetings in Washington, D.C. with HEW and FCC officers, the Commission was able to forestall early difficulties which could have cut off HEW financing. It now appears as if Montana is in a good position to receive the financing necessary to establish educational television throughout the state.

## STATEWIDE SALARY INCREASES

House Bill 747, calling for salary increases for all state employees, was reformulated and passed on the final day of the legislature. The amendments which were finally included created extraordinary implementation problems. It was through a 6-week period of intensive coordination between the Commissioner's

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office, the budget bureau, the Governor's office, the Attorney General, and the campuses, that arrangements were made which allowed implementation of minimal pay raises for System personnel. For some of the lower paid staff, the salary increased as much as 12% and was certainly well deserved; however, the professional staff and faculty of the units did not fare so well. Average University System salary increases for professional staff and faculty were: 2.6% for professors, 2.6% for associate professors, 2.2% for assistant professors, and 4.0% for instructors. Commissioner Pettit said: "When compared to the 8 and 9% salary increases that have been granted at the primary and secondary level in Montana in recent weeks, the University System faculty are obviously being shortchanged in their battle with inflation. The effect of such dismal salary and budget levels is to put Montana even further behind other comparable institutions in the Rocky Mountain Region--and we are already at the bottom."

Attempts to arrive at a workable distribution plan forced the Regents to exercise their constitutional powers by adopting a resolution opposing the manner in which the bill was to distribute salaries. It called upon their "constitutional power, responsibility, and authority to supervise, coordinate, manage and control the Montana University System." This resolution affirmed that the Regents would determine the distribution methods which would be employed for the implementation of the raises throughout the University System units.

## WORK-STUDY ACT

House Bill 1039 created the Montana Work-Study Act to be administered by the Board of Regents of Higher Education, providing income for eligible postsecondary students, and instituting low-cost supplemental assistance for all governing units within Montana. This act is directed principally to the filling of summer off-campus work for students through employment by state and local governing units, and certain public interest organizations. The financial aid officers and budgetary and fiscal officers will devise guidelines for recommended funding during the next legislature.

The principle parts of the bill concern employer cost, student benefits, administrative responsibility, and employer eligibility. These parts are: 1) employers shall contribute no less than 30% of the student's salary (which will in no case be lower than the minimum wage as provided by law); 2) up to 30% of the funds allocated to the program can be used to provide job opportunities on a basis other than financial need; 3) the Board of Regents shall promulgate rules for the allocation of program funds among the institutions, and 4) any local governing body, state or local administrative agency, department, board, commission, judicial, legislative, or other governmental unit or non-profit private organization is eligible to employ Montana students under the program.

This act defines the bill but does not provide funding. A companion bill, HB 1115 was created for the funding of the Work-Study Act, originally calling for $300,000. This amount was amended in the House to $100,000 but subsequently died in the Senate Finance and Claims Committee. Thus, the Montana Work-Study Act is established but not funded for the coming year.

## COLLECTIVE BARGAINING

House Bill 1032 authorized institutional collective bargaining for the units of the Montana University System. There were four principle parts to the bill: 1) the Commissioner of Higher Education is the collective bargaining agent for the System and the community colleges; 2) University System and community college employees are placed under the provisions of the existing public employees collective bargaining act; 3) the Board of Personnel Appeals is allowed to determine the definition of a bargaining "unit", and 4) an expression of legislative intent that collective bargaining by University System and community college employees is an integral part of the System decision-making process.

## COMMISSION FOR FEDERAL HIGHER EDUCATION PROGRAMS

House Bill 764 created a commission to meet federal higher education requirements for the higher education act. The commission consists of the appointed members of the Board of Regents and a representative from each private college board of trustees. The chairman of the Board of Regents is chairman of the commission, and the Commissioner of Higher Education is the administrative officer to the commission. The commission is mandated to administer state plans under: 1) Title VI of the federal higher education act of 1965; 2) Title I of the federal higher education facilities act of 1963; 3) Title I of the federal higher education act of 1965, and 4) federal funding

that may be assigned by the Governor. Testimony was presented on the bill by the Commissioner and the bill has been signed into law.

This commission has further been designated by the Governor as fulfilling the requirements for the state's 1202 Commission.

## MOTOR POOL CONTROL

Senate Bill 367 shifted the control of the motor pool to pre-1971 operation. The intent of the bill was to return control of the state motor pool to each individual local unit, which would have transferred control back to the University System. The Commissioner offered amendments clarifying the bill. These were not accepted by the committee, and thus significant ambiguities remain in the bill which was signed into law by the Governor.

## STUDENT FINES COLLECTIONS

Senate Bill 712 created means whereby delinquent fines accumulated by students could be collected. This bill was drafted by the Attorney General's office at the request of the University of Montana. After several amendments to the original bill, the final version granted the Regents the authority to prohibit a student from registering if said student has unpaid parking assessments or fines outstanding resulting from on-campus motor vehicle or parking violations within the previous one year.

## INDEMNIFICATION

Senate Bill 655 is generally referred to as the indemnification bill and provides that employees of government are to be immune from personal liability in suits. This bill was introduced at the request of the Commissioner. The major provisions include: 1) requiring that suits brought for employee action within the scope of his employment shall name the governmental entity as the defendant; 2) providing that employees of governmental entities shall remain immune from recovery of damages for acts committed while conducting governmental business, and 3) that in any action in which the employee is a party defendant, the employee shall be indemnified by the governmental employer for legal expenses unless the suit is based on an "intentional tortious act" of the employee. Testimony was presented in favor of the bill by the Commissioner before both judiciary committees, and the bill has been signed into law.

Several policies have been adopted by the Board of Regents which serve to more clearly define the authority for governance which was granted to the Board by the new Constitution.

## TENURE

For purposes of faculty tenure, the professional faculty contract of employment shall be with the appropriate institution within the Montana University System and not with the Montana University System.

## PERFORMANCE REVIEW OF PRESIDENTS

It shall be the policy of the Board of Regents of Higher Education to conduct a performance review of each president within the Montana University System periodically, beginning as soon as practicable with reviews of those presidents who have been in their present positions for at least three years. The Commissioner is directed to prepare guidelines for the conduct of such reviews and to present them for Board approval by the next statutory meeting date. (Bigfork, July 8)

## COMMUNITY COLLEGES (shared governance)

The Board of Regents, recognizing the dual governance of community colleges by the Board of Regents and the boards of trustees of the community college districts, has adopted guidelines with respect to governance authority. These guidelines delineate responsibility with respect to: 1) degree authorization and curriculum; 2) budgeting and fiscal matters; 3) presidents, faculty and personnel; 4) student affairs, and 5) property and construction.

The division of responsibilities stems from Section 75-8103 R.C.M., 1947 which places the supervision of the community college districts under the Board of Regents; and Article X, Section 9 of the Montana constitution which states: "The government and control of the Montana university system is vested in a board of regents of higher education which shall have full power, responsibility, and authority to supervise, coordinate, manage and control the Montana university system and shall supervise and coordinate other public educational institutions assigned by law."

This issue of the Newsletter continues the short biographical profiles of the Board of Regents of Higher Education with vice-chairperson Mary Pace and senior regent John D. French.

Mary Pace (Mrs. Herbert C.) was born in Butte, Montana, in 1937 to parents who emigrated to the United States from Yugoslavia. She was reared and educated in Whitehall. Her collegiate work was at Bozeman where she received a B.S. in English in 1959, the same year as her marriage to Herb Pace and her first teaching position in Great Falls High School. In 1961 she moved to Bozeman to begin teaching at Bozeman Senior High where she has just concluded a term as chairperson of the English department. Currently she is teaching modern poetry, mass communications, and film-making. She is working on a masters degree and has a "5th year" certification.

The National Endowment for the Humanities, through the Montana Arts Council, awarded Mrs. Pace a $41,000, 3-year grant to implement film-making in Montana public schools. This sent her to Antioch College's New York City branch last summer for a 10-credit graduate course in film and film-making in public schools. This year she has been implementing film studies into the curriculum at Bozeman Senior High and working toward establishing similar curricula in other Montana schools.

This summer, she is coordinating plans with the MSU English Department to return to Yugoslavia for the purpose of translating Serbian poetry.

In her leisure time, Mary enjoys reading, skiing, river floating, traveling, and horseback riding.

John D. French is the senior member of the Board of Regents, having served without interruption since February, 1963. He was originally appointed by Governor Babcock to fill an unexpired term and was reappointed in 1967 by Governor Anderson. In July, 1973 he was re-named to the new board by Governor Judge.

Mr. French was born in Minneapolis, Minn. in 1915 and attended law school at the University of Montana in Missoula from which he received his L.L.B. and Juris Doctor degrees. He served as County Attorney for Lake County from January, 1941 to September, 1942, when he left to join the armed services, attaining the rank of captain. He returned to Lake County as County Attorney from January, 1947 to January, 1953. Since that time he has engaged in private practice in the firm of French and Prater in Ronan.

Mr. French is involved in several professional and community service groups including: The Montana Bar Association, Masons, Odd Fellows, Elks, Lions, Chamber of Commerce, American Legion, and the Museum Valley Heritage Association. He is also a member of the legal honorary fraternity, Phi Delta Phi.

Mr. French is married, has one daughter, and resides in Ronan.

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